

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 593  
PROPOSED SENATE COMMITTEE SUBSTITUTE H593-PCS10866-TVfa-60

Short Title: JCPC/Detention/CAA and Other Fees.

(Public)

Sponsors:

Referred to:

April 8, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE CERTAIN MODIFICATIONS TO THE GENERAL STATUTES  
3 RELATED TO JUVENILE CRIME PREVENTION COUNCILS, TO CLARIFY THAT A  
4 PERSON UNDER EIGHTEEN IN CUSTODY IS HELD IN A JUVENILE DETENTION  
5 FACILITY, TO MAKE CONFORMING CHANGES REGARDING INMATES HELD IN  
6 THE STATEWIDE MISDEMEANOR CONFINEMENT PROGRAM AND  
7 TRANSFERRED FOR MEDICAL TREATMENT, TO INCREASE THE CRIMINAL  
8 COURT APPOINTED COUNSEL FEE, TO INCREASE COURT COSTS TO SUPPORT  
9 INDIGENT DEFENSE SERVICES AND THE CRIMINAL JUSTICE EDUCATION AND  
10 TRAINING STANDARDS COMMISSION, TO MODIFY DEADLINES RELATED TO  
11 THE PAYMENT OF RADIOLOGICAL EMERGENCY PLANNING FEES, AND TO  
12 APPROPRIATE FUNDS.

13 The General Assembly of North Carolina enacts:

14  
15 **PART I. JUVENILE CRIME PREVENTION COUNCILS**

16 **SECTION 1.** G.S. 143B-811 reads as rewritten:

17 "**§ 143B-811. Annual evaluation of ~~community programs and multiple purpose group~~**  
18 **homes.intensive intervention services.**

19 The Department of Public Safety shall conduct an annual evaluation of ~~the community~~  
20 ~~programs and of multipurpose group homes.~~ intensive intervention services. Intensive  
21 intervention services are evidence-based or research-supported community-based or residential  
22 services that are necessary for a juvenile in order to (i) prevent the juvenile's commitment to a  
23 youth development center or detention facility or (ii) facilitate the juvenile's successful return to  
24 the community following commitment. In conducting the ~~evaluation of each of these,~~ evaluation,  
25 the Department shall consider whether participation in ~~each program~~ intensive intervention  
26 services results in a reduction of court involvement among juveniles. The Department shall also  
27 determine whether the programs are achieving the goals and objectives of the Juvenile Justice  
28 Reform Act, S.L. 1998-202.

29 The Department shall report the results of the evaluation to the Chairs of the Joint Legislative  
30 Oversight Committee on Justice and Public Safety and the Chairs of the Senate and House of  
31 Representatives Appropriations Subcommittees on Justice and Public Safety by March 1 of each  
32 year."

33 **SECTION 2.** G.S. 143B-846 reads as rewritten:

34 "**§ 143B-846. Creation; method of appointment; membership; chair and vice-chair.**

35 (a) As a prerequisite for a county receiving funding for juvenile court services and  
36 delinquency prevention programs, the board of commissioners of a county shall appoint a



1 Juvenile Crime Prevention Council. ~~Each County Council is a continuation of the corresponding~~  
 2 ~~Council created under G.S. 147-33.61.~~ The County Council shall consist of not more than 26  
 3 members and should include, if possible, the following:

- 4 (1) The local school superintendent, or that person's ~~designee;~~designee.
- 5 (2) A chief of police in the ~~county;~~county, or the appointed chief's designee.
- 6 (3) The local sheriff, or that person's ~~designee;~~designee.
- 7 (4) The district attorney, or that person's ~~designee;~~designee.
- 8 (5) The chief court counselor, or that person's ~~designee;~~designee.
- 9 (6) The director of the area ~~mental health, developmental disabilities, and~~  
 10 ~~substance abuse authority,~~ local management entity/managed care  
 11 organization (LME/MCO) or that person's ~~designee;~~designee.
- 12 (7) The director of the county department of social services, or consolidated  
 13 human services agency, or that person's ~~designee;~~designee.
- 14 (8) The county manager, or that person's ~~designee;~~designee.
- 15 (9) A substance abuse ~~professional;~~professional.
- 16 (10) A member of the faith ~~community;~~community.
- 17 (11) A county ~~commissioner;~~commissioner.
- 18 (12) Two persons under the age of ~~18 years, one of whom is a member of the State~~  
 19 ~~Youth Council;~~21 years, or one person under the age of 21 years and one  
 20 member of the public representing the interests of families of at-risk juveniles.
- 21 (13) A juvenile defense ~~attorney;~~attorney.
- 22 (14) The chief district court judge, or a judge designated by the chief district court  
 23 ~~judge;~~judge.
- 24 (15) A member of the business ~~community;~~community.
- 25 (16) The local health director, or that person's ~~designee;~~designee.
- 26 (17) A representative from the United Way or other nonprofit ~~agency;~~agency.
- 27 (18) A representative of a local parks and recreation ~~program;~~ and program.
- 28 (19) Up to seven members of the public to be appointed by the board of  
 29 commissioners of a county.

30 The board of commissioners of a county shall modify the County Council's membership as  
 31 necessary to ensure that the members reflect the racial and socioeconomic diversity of the  
 32 community and to minimize potential conflicts of interest by members.

33 (b) Two or more counties may establish a multicounty Juvenile Crime Prevention  
 34 Council under subsection (a) of this section. The membership shall be representative of each  
 35 participating county.

36 (c) The members of the County Council shall elect annually the chair and vice-chair."

37 **SECTION 3.** G.S. 143B-849 reads as rewritten:

38 "**§ 143B-849. Meetings; quorum.**

39 County Councils shall meet at least ~~bimonthly,~~ six times per year, or more often if a meeting  
 40 is called by the chair.

41 A majority of members constitutes a quorum."

42 **SECTION 4.** G.S. 143B-851 reads as rewritten:

43 "**§ 143B-851. Powers and duties.**

44 (a) Each County Council shall review ~~annually~~ biennially the needs of juveniles in the  
 45 county who are at risk of delinquency or who have been adjudicated undisciplined or delinquent  
 46 and the resources available to address those needs. In particular, each County Council shall assess  
 47 the needs of juveniles in the county who are at risk or who have been associated with gangs or  
 48 gang activity, and the local resources that are established to address those needs. The Council  
 49 shall develop and advertise a request for proposal process and submit a written plan of action for  
 50 the expenditure of juvenile sanction and prevention funds to the board of county commissioners

1 for its approval. Upon the county's authorization, the plan shall be submitted to the Section for  
2 final approval and subsequent implementation.

3 ...  
4 (d) The Councils may examine the benefits of joint program development between  
5 counties ~~within the same and judicial district districts.~~"

6 **SECTION 5.** G.S. 143B-1104 is recodified as G.S. 143B-853 and reads as rewritten:  
7 "**§ 143B-853. Funding for programs.**

8 (a) Annually, the Division of ~~Administration~~ Adult Correction and Juvenile Justice shall  
9 develop and implement a funding mechanism for programs that meet the standards developed  
10 under ~~Subpart F of Part 3 of Article 13 of Chapter 143B of the General Statutes.~~ this Subpart.  
11 The Division shall ensure that the guidelines for the State and local partnership's funding process  
12 include the following requirements:

- 13 (1) Fund effective programs. – The Division shall fund programs that it  
14 determines to be effective in preventing delinquency and recidivism.  
15 Programs that have proven to be ineffective shall not be funded.
- 16 (2) Use a formula for the distribution of funds. – A funding formula shall be  
17 developed that ensures that even the smallest counties will be able to provide  
18 the basic prevention and alternative services to juveniles in their communities.
- 19 (3) Allow and encourage local flexibility. – A vital component of the State and  
20 local partnership established by this section is local flexibility to determine  
21 how best to allocate prevention and alternative funds.
- 22 (4) Combine resources. – Counties shall be allowed and encouraged to combine  
23 resources and services.
- 24 (5) Allow for a two-year funding cycle. – In the discretion of the Division, awards  
25 may be provided in amounts that fund two years of services for programs that  
26 meet the requirements of this section and have been awarded funds in a prior  
27 funding cycle.

28 (b) The Division shall adopt rules to implement this section. The Division shall provide  
29 technical assistance to County Councils and shall require them to evaluate all State-funded  
30 programs and services on an ongoing and regular basis.

31 (c) The Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice  
32 of the Department of Public Safety shall report to the Senate and House of Representatives  
33 Appropriations Subcommittees on Justice and Public Safety no later than March 1, 2006, and  
34 annually thereafter, on the results of ~~the alternatives to commitment demonstration programs~~  
35 ~~funded by Section 16.7 of S.L. 2004-124. The 2007 report and all annual reports thereafter shall~~  
36 ~~also include projects funded by Section 16.11 of S.L. 2005-276 for the 2005-2006 fiscal year.~~  
37 intensive intervention services. Intensive intervention services are evidence-based or  
38 research-supported community-based or residential services that are necessary for a juvenile in  
39 order to (i) prevent the juvenile's commitment to a youth development center or detention facility  
40 or (ii) facilitate the juvenile's successful return to the community following commitment.  
41 Specifically, the report shall provide a detailed description of each ~~of the demonstration~~  
42 ~~programs,~~ intensive intervention service, including the numbers of juveniles served, their  
43 adjudication status at the time of service, the ~~services/treatments~~ services and treatments  
44 provided, the length of service, the total cost per juvenile, and the six- and 12-month recidivism  
45 rates for the juveniles after the termination of program services."

46 **SECTION 6.(a)** Of the funds appropriated to the Department of Public Safety,  
47 Division of Adult Correction and Juvenile Justice (Division), for the 2019-2021 fiscal biennium  
48 that are provided to Juvenile Crime Prevention Councils (JCPC) to be used for alternatives to  
49 commitment and Level 2 dispositional alternatives, the requirements of this section shall apply  
50 for the 2019-2021 fiscal biennium.

1           **SECTION 6.(b)** The funds described in subsection (a) of this section shall be known  
2 as funds for intensive intervention services and shall be used for the purpose of providing  
3 intensive intervention services for juveniles of any disposition level, based on the needs of the  
4 juvenile, as ordered pursuant to G.S. 7B-2506. Intensive intervention services are evidence-based  
5 or research-supported community-based or residential services that are necessary for a juvenile  
6 in order to (i) prevent the juvenile's commitment to a youth development center or detention  
7 facility or (ii) facilitate the juvenile's successful return to the community following commitment.  
8 The Division of Adult Correction and Juvenile Justice shall conduct an open-bid, competitive  
9 award process to determine the allocation of JCPC funds among counties. The Division shall  
10 identify and select the most effective evidence-based or research-supported methods of meeting  
11 the needs of juveniles served. The Division shall, in its discretion, determine the number and  
12 amount of awards provided, but in exercising its discretion, shall give consideration to the  
13 following:

- 14           (1) The commitment rates or frequency with which the court orders commitment  
15           as a disposition for the juveniles served.
- 16           (2) The disposition levels and criminogenic needs of the juveniles served.
- 17           (3) Programs that target juveniles in rural areas.
- 18           (4) Diverse geographical representation across the State.
- 19           (5) Programs that utilize collaboration among counties.

20           **SECTION 7.** Sections 1, 2, 3, and 4 of this act become effective December 1, 2020.  
21 Sections 5, 6, and 7 of this act become effective July 1, 2020.  
22

## 23 **PART II. JUVENILE DETENTION**

24           **SECTION 8.(a)** G.S. 7A-109.3 reads as rewritten:

### 25 **"§ 7A-109.3. Delivery of commitment order.**

26           (a) Whenever the district court sentences a person to imprisonment and commitment to  
27 the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public  
28 Safety pursuant to G.S. 15A-1352, the clerk of superior court shall furnish the sheriff with the  
29 signed order of commitment within 48 hours of the issuance of the sentence.

30           (a1) If the district court sentences a person under the age of 18 to imprisonment and  
31 commitment, the clerk of superior court shall furnish the detention facility approved by the  
32 Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice with the signed  
33 order of commitment within 48 hours of the issuance of the sentence.

34           (b) Whenever the superior court sentences a person to imprisonment and commitment to  
35 the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public  
36 Safety pursuant to G.S. 15A-1352, the clerk of superior court shall furnish the sheriff with the  
37 signed order of commitment within 72 hours of the issuance of the sentence.

38           (b1) If the superior court sentences a person under the age of 18 to imprisonment and  
39 commitment, the clerk of superior court shall furnish the detention facility approved by the  
40 Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice with the signed  
41 order of commitment within 48 hours of the issuance of the sentence."

42           **SECTION 8.(b)** G.S. 15-6 reads as rewritten:

### 43 **"§ 15-6. Imprisonment to be in county jail.**

44           No person over the age of 18 shall be imprisoned except in the common jail of the county,  
45 unless otherwise provided by law: Provided, that whenever the sheriff of any county shall be  
46 imprisoned, he may be imprisoned in the jail of any adjoining county. If the person being  
47 imprisoned is under the age of 18, that person shall be imprisoned in a detention facility approved  
48 by the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice to provide  
49 secure confinement and care for juveniles, or to a holdover facility as defined in  
50 G.S. 7B-1501(11)."

51           **SECTION 8.(c)** G.S. 15A-521 reads as rewritten:

1 **"§ 15A-521. Commitment to detention facility pending trial.**

2 (a) Commitment. – Every person charged with a crime and held in custody who has not  
3 been released pursuant to Article 26 of this Chapter, Bail, must be committed by a written order  
4 of the judicial official who conducted the initial appearance as provided in Article 24 to an  
5 appropriate detention facility as provided in this section. If the person being committed by written  
6 order is under the age of 18, that person must be committed to a detention facility approved by  
7 the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice to provide  
8 secure confinement and care for juveniles, or to a holdover facility as defined in  
9 G.S. 7B-1501(11).

10 (b) Order of Commitment; Modification. – The order of commitment must:

- 11 (1) State the name of the person charged or identify him if his name cannot be  
12 ascertained.
- 13 (2) Specify the offense charged.
- 14 (3) Designate the place of confinement.
- 15 (4) If release is authorized pursuant to Article 26 of this Chapter, Bail, state the  
16 conditions of release. If a separate order stating the conditions has been  
17 entered, the commitment may make reference to that order, a copy of which  
18 must be attached to the commitment.
- 19 (5) Subject to the provisions of subdivision (4), direct, as appropriate, that the  
20 defendant be:
- 21 a. Produced before a district court judge pursuant to Article 29 of this  
22 Chapter, First Appearance before District Court Judge,
- 23 b. Produced before a district court judge for a probable cause hearing as  
24 provided in Article 30 of this Chapter, Probable-Cause Hearing,
- 25 c. Produced for trial in the district or superior court, or  
26 d. Held for other specified purposes.
- 27 (6) State the name and office of the judicial official making the order and be  
28 signed by ~~him~~ that judicial official.

29 The order of commitment may be modified or continued by the same or another judicial official  
30 by supplemental order.

31 (c) Copies and Use of Order, Receipt of Prisoner. –

- 32 (1) The order of commitment must be delivered to a law-enforcement officer, who  
33 must deliver the order and the prisoner to the detention facility named therein.
- 34 (2) The jailer or personnel of the Juvenile Justice Section, must receive the  
35 prisoner and the order of commitment, and note on the order of commitment  
36 the time and date of receipt. As used in this subdivision, "jailer" includes any  
37 person having control of a detention ~~facility~~-facility and "personnel of the  
38 Juvenile Justice Section" includes personnel approved by the Juvenile Justice  
39 Section.
- 40 (3) Upon releasing the prisoner pursuant to the terms of the order, or upon  
41 delivering the prisoner to the court, the jailer must note the time and date on  
42 the order and return it to the clerk. Personnel of the Juvenile Justice Section  
43 or personnel approved by the Juvenile Justice Section, shall transport the  
44 person under the age of 18 from the juvenile detention facility or holdover  
45 facility to court and shall transfer the person back to the juvenile detention  
46 facility or holdover facility.
- 47 (4) Repealed by Session Laws 1975, 2nd Sess., c. 983, s. 142.

48 (d) Commitment of Witnesses. – If a court directs detention of a material witness  
49 pursuant to G.S. 15A-803, the court must enter an order in the manner provided in this section,  
50 except that the order must:

- 1 (1) State the reason for the detention in lieu of the description of the offense
- 2 charged, and
- 3 (2) Direct that the witness be brought before the appropriate court when his
- 4 testimony is required."

5 **SECTION 8.(d)** G.S. 15A-1301 reads as rewritten:

6 **"§ 15A-1301. Order of commitment to imprisonment when not otherwise specified.**

7 When a judicial official orders that a defendant be imprisoned he must issue an appropriate  
8 written commitment order. When the commitment is to a sentence of imprisonment, the  
9 commitment must include the identification and class of the offense or offenses for which the  
10 defendant was convicted and, if the sentences are consecutive, the maximum sentence allowed  
11 by law upon conviction of each offense for the punishment range used to impose the sentence for  
12 the class of offense and prior record or conviction level, and, if the sentences are concurrent or  
13 consolidated, the longest of the maximum sentences allowed by law for the classes of offense  
14 and prior record or conviction levels upon conviction of any of the offenses. If the person  
15 sentenced to imprisonment is under the age of 18, the person must be committed to a detention  
16 facility approved by the Juvenile Justice Section of the Division of Adult Correction and Juvenile  
17 Justice to provide secure confinement and care for juveniles. If the person is under the age of 18,  
18 the person may be temporarily confined in a holdover facility as defined in G.S. 7B-1501(11)  
19 until the person can be transferred to a juvenile detention facility. Personnel of the Juvenile  
20 Justice Section or personnel approved by the Juvenile Justice Section shall transport the person  
21 to the juvenile detention facility or the holdover facility."

22 **SECTION 8.(e)** G.S. 15A-1343(a1) reads as rewritten:

23 **"§ 15A-1343. Conditions of probation.**

24 ...

25 (a1) Community and Intermediate Probation Conditions. – In addition to any conditions a  
26 court may be authorized to impose pursuant to G.S. 15A-1343(b1), the court may include any  
27 one or more of the following conditions as part of a community or intermediate punishment:

- 28 (1) House arrest with electronic monitoring.
- 29 (2) Perform community service and pay the fee prescribed by law for this
- 30 supervision.
- 31 (3) Submission to a period or periods of confinement in a local confinement
- 32 facility for a total of no more than six days per month during any three separate
- 33 months during the period of probation. The six days per month confinement
- 34 provided for in this subdivision may only be imposed as two-day or three-day
- 35 consecutive periods. When a defendant is on probation for multiple
- 36 judgments, confinement periods imposed under this subdivision shall run
- 37 concurrently and may total no more than six days per month. If the person
- 38 being ordered to a period or periods of confinement is under the age of 18,
- 39 that person must be confined in a detention facility approved by the Juvenile
- 40 Justice Section of the Division of Adult Correction and Juvenile Justice to
- 41 provide secure confinement and care for juveniles or to a holdover facility as
- 42 defined in G.S. 7B-1501(11).
- 43 (4) Substance abuse assessment, monitoring, or treatment.
- 44 (4a) Abstain from alcohol consumption and submit to continuous alcohol
- 45 monitoring when alcohol dependency or chronic abuse has been identified by
- 46 a substance abuse assessment.
- 47 (5) Participation in an educational or vocational skills development program,
- 48 including an evidence-based program.
- 49 (6) Submission to satellite-based monitoring, pursuant to Part 5 of Article 27A of
- 50 Chapter 14 of the General Statutes, if the defendant is described by
- 51 G.S. 14-208.40(a)(2)."

1           **SECTION 8.(f)** G.S. 15A-1343.2(e) reads as rewritten:

2           "(e) Delegation to Probation Officer in Community Punishment. – Unless the presiding  
3 judge specifically finds in the judgment of the court that delegation is not appropriate, the Section  
4 of Community Corrections of the Division of Adult Correction and Juvenile Justice of the  
5 Department of Public Safety may require an offender sentenced to community punishment to do  
6 any of the following:

- 7           (1) Perform up to 20 hours of community service, and pay the fee prescribed by  
8 law for this supervision.
- 9           (2) Report to the offender's probation officer on a frequency to be determined by  
10 the officer.
- 11           (3) Submit to substance abuse assessment, monitoring or treatment.
- 12           (4) Submit to house arrest with electronic monitoring.
- 13           (5) Submit to a period or periods of confinement in a local confinement facility  
14 for a total of no more than six days per month during any three separate  
15 months during the period of probation. The six days per month confinement  
16 provided for in this subdivision may only be imposed as two-day or three-day  
17 consecutive periods. When a defendant is on probation for multiple  
18 judgments, confinement periods imposed under this subdivision shall run  
19 concurrently and may total no more than six days per month. If the person  
20 being ordered to a period or periods of confinement is under the age of 18,  
21 that person must be confined in a detention facility approved by the Juvenile  
22 Justice Section of the Division of Adult Correction and Juvenile Justice to  
23 provide secure confinement and care for juveniles or to a holdover facility as  
24 defined in G.S. 7B-1501(11).
- 25           (6) Submit to a curfew which requires the offender to remain in a specified place  
26 for a specified period each day and wear a device that permits the offender's  
27 compliance with the condition to be monitored electronically.
- 28           (7) Participate in an educational or vocational skills development program,  
29 including an evidence-based program.

30 If the Section imposes any of the above requirements, then it may subsequently reduce or remove  
31 those same requirements.

32           The probation officer may exercise authority delegated to him or her by the court pursuant to  
33 subsection (e) of this section after administrative review and approval by a Chief Probation  
34 Officer. The offender may file a motion with the court to review the action taken by the probation  
35 officer. The offender shall be given notice of the right to seek such a court review. However, the  
36 offender shall have no right of review if he or she has signed a written waiver of rights as required  
37 by this subsection. The Section may exercise any authority delegated to it under this subsection  
38 only if it first determines that the offender has failed to comply with one or more of the conditions  
39 of probation imposed by the court or the offender is determined to be high risk based on the  
40 results of the risk assessment in G.S. 15A-1343.2, except that the condition at subdivision (5) of  
41 this subsection may not be imposed unless the Section determines that the offender failed to  
42 comply with one or more of the conditions imposed by the court. Nothing in this section shall be  
43 construed to limit the availability of the procedures authorized under G.S. 15A-1345.

44           The Division shall adopt guidelines and procedures to implement the requirements of this  
45 section, which shall include a supervisor's approval prior to exercise of the delegation of authority  
46 authorized by this section. Prior to imposing confinement pursuant to subdivision (5) of this  
47 subsection, the probationer must first be presented with a violation report, with the alleged  
48 violations noted and advised of the right (i) to a hearing before the court on the alleged violation,  
49 with the right to present relevant oral and written evidence; (ii) to have counsel at the hearing,  
50 and that one will be appointed if the probationer is indigent; (iii) to request witnesses who have  
51 relevant information concerning the alleged violations; and (iv) to examine any witnesses or

1 evidence. The probationer may be confined for the period designated on the violation report upon  
2 the execution of a waiver of rights signed by the probationer and by two officers acting as  
3 witnesses. Those two witnesses shall be the probation officer and another officer to be designated  
4 by the Chief of the Community Corrections Section in written Division policy."

5 **SECTION 8.(g)** G.S. 15A-1343.2(f) reads as rewritten:

6 "(f) Delegation to Probation Officer in Intermediate Punishments. – Unless the presiding  
7 judge specifically finds in the judgment of the court that delegation is not appropriate, the Section  
8 of Community Corrections of the Division of Adult Correction and Juvenile Justice of the  
9 Department of Public Safety may require an offender sentenced to intermediate punishment to  
10 do any of the following:

- 11 (1) Perform up to 50 hours of community service, and pay the fee prescribed by  
12 law for this supervision.
- 13 (2) Submit to a curfew which requires the offender to remain in a specified place  
14 for a specified period each day and wear a device that permits the offender's  
15 compliance with the condition to be monitored electronically.
- 16 (3) Submit to substance abuse assessment, monitoring or treatment, including  
17 continuous alcohol monitoring when abstinence from alcohol consumption  
18 has been specified as a term of probation.
- 19 (4) Participate in an educational or vocational skills development program,  
20 including an evidence-based program.
- 21 (5) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A of  
22 Chapter 14 of the General Statutes, if the defendant is described by  
23 G.S. 14-208.40(a)(2).
- 24 (6) Submit to a period or periods of confinement in a local confinement facility  
25 for a total of no more than six days per month during any three separate  
26 months during the period of probation. The six days per month confinement  
27 provided for in this subdivision may only be imposed as two-day or three-day  
28 consecutive periods. When a defendant is on probation for multiple  
29 judgments, confinement periods imposed under this subdivision shall run  
30 concurrently and may total no more than six days per month. If the person  
31 being ordered to a period or periods of confinement is under the age of 18,  
32 that person must be confined in a detention facility approved by the Juvenile  
33 Justice Section of the Division of Adult Correction and Juvenile Justice to  
34 provide secure confinement and care for juveniles or to a holdover facility as  
35 defined in G.S. 7B-1501(11).
- 36 (7) Submit to house arrest with electronic monitoring.
- 37 (8) Report to the offender's probation officer on a frequency to be determined by  
38 the officer.

39 If the Section imposes any of the above requirements, then it may subsequently reduce or remove  
40 those same requirements.

41 The probation officer may exercise authority delegated to him or her by the court pursuant to  
42 subsection (f) of this section after administrative review and approval by a Chief Probation  
43 Officer. The offender may file a motion with the court to review the action taken by the probation  
44 officer. The offender shall be given notice of the right to seek such a court review. However, the  
45 offender shall have no right of review if he or she has signed a written waiver of rights as required  
46 by this subsection. The Section may exercise any authority delegated to it under this subsection  
47 only if it first determines that the offender has failed to comply with one or more of the conditions  
48 of probation imposed by the court or the offender is determined to be high risk based on the  
49 results of the risk assessment in G.S. 15A-1343.2, except that the condition at subdivision (6) of  
50 this subsection may not be imposed unless the Section determines that the offender failed to



1 comply with one or more of the conditions imposed by the court. Nothing in this section shall be  
2 construed to limit the availability of the procedures authorized under G.S. 15A-1345.

3 The Division shall adopt guidelines and procedures to implement the requirements of this  
4 section, which shall include a supervisor's approval prior to exercise of the delegation of authority  
5 authorized by this section. Prior to imposing confinement pursuant to subdivision (6) of this  
6 subsection, the probationer must first be presented with a violation report, with the alleged  
7 violations noted and advised of the right (i) to a hearing before the court on the alleged violation,  
8 with the right to present relevant oral and written evidence; (ii) to have counsel at the hearing,  
9 and that one will be appointed if the probationer is indigent; (iii) to request witnesses who have  
10 relevant information concerning the alleged violations; and (iv) to examine any witnesses or  
11 evidence. The probationer may be confined for the period designated on the violation report upon  
12 the execution of a waiver of rights signed by the probationer and by two officers acting as  
13 witnesses. Those two witnesses shall be the probation officer and another officer to be designated  
14 by the Chief of the Community Corrections Section in written Division policy."

15 **SECTION 8.(h)** G.S. 15A-1344(d2) reads as rewritten:

16 "(d2) Confinement in Response to Violation. – When a defendant under supervision for a  
17 felony conviction has violated a condition of probation other than G.S. 15A-1343(b)(1) or  
18 G.S. 15A-1343(b)(3a), the court may impose a period of confinement of 90 consecutive days to  
19 be served in the custody of the Division of Adult Correction and Juvenile Justice of the  
20 Department of Public Safety. The court may not revoke probation unless the defendant has  
21 previously received a total of two periods of confinement under this subsection. A defendant may  
22 receive only two periods of confinement under this subsection. The 90-day term of confinement  
23 ordered under this subsection for a felony shall not be reduced by credit for time already served  
24 in the case. Any such credit shall instead be applied to the suspended sentence. However, if the  
25 time remaining on the maximum imposed sentence on a defendant under supervision for a felony  
26 conviction is 90 days or less, then the term of confinement is for the remaining period of the  
27 sentence. Confinement under this section shall be credited pursuant to G.S. 15-196.1. If the  
28 person being ordered to a period of confinement is under the age of 18, that person must be  
29 confined in a detention facility approved by the Juvenile Justice Section of the Division of Adult  
30 Correction and Juvenile Justice to provide secure confinement and care for juveniles or to a  
31 holdover facility as defined in G.S. 7B-1501(11).

32 When a defendant under supervision for a misdemeanor conviction sentenced pursuant to  
33 Article 81B of Chapter 15A of the General Statutes has violated a condition of probation other  
34 than G.S. 15A-1343(b)(1) or G.S. 15A-1343(b)(3a), the court may impose a period of  
35 confinement pursuant to G.S. 15A-1343(a1)(3). If the person being ordered to a period of  
36 confinement is under the age of 18, that person must be confined in a detention facility approved  
37 by the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice to provide  
38 secure confinement and care for juveniles or to a holdover facility as defined in  
39 G.S. 7B-1501(11). The court may not revoke probation unless the defendant has previously  
40 received at least two periods of confinement for violating a condition of probation other than  
41 G.S. 15A-1343(b)(1) or G.S. 15A-1343(b)(3a). Those periods of confinement may have been  
42 imposed pursuant to G.S. 15A-1343(a1)(3), 15A-1343.2(e)(5), or 15A-1343.2(f)(6). The second  
43 period of confinement must have been imposed for a violation that occurred after the defendant  
44 served the first period of confinement. Confinement under this section shall be credited pursuant  
45 to G.S. 15-196.1.

46 When a defendant under supervision for a misdemeanor conviction not sentenced pursuant  
47 to Article 81B of Chapter 15A of the General Statutes has violated a condition of probation other  
48 than G.S. 15A-1343(b)(1) or G.S. 15A-1343(b)(3a), the court may impose a period of  
49 confinement of up to 90 consecutive days to be served where the defendant would have served  
50 an active sentence. The court may not revoke probation unless the defendant has previously  
51 received a total of two periods of confinement under this subsection. A defendant may receive

1 only two periods of confinement under this subsection. Confinement under this section shall be  
2 credited pursuant to G.S. 15-196.1.

3 The period of confinement imposed under this subsection on a defendant who is on probation  
4 for multiple offenses shall run concurrently on all cases related to the violation. Confinement  
5 shall be immediate unless otherwise specified by the court."

6 **SECTION 8.(i)** G.S. 15A-1344(e) reads as rewritten:

7 "(e) Special Probation in Response to Violation. – When a defendant has violated a  
8 condition of probation, the court may modify the probation to place the defendant on special  
9 probation as provided in this subsection. In placing the defendant on special probation, the court  
10 may continue or modify the conditions of probation and in addition require that the defendant  
11 submit to a period or periods of imprisonment, either continuous or noncontinuous, at whatever  
12 time or intervals within the period of probation the court determines. In addition to any other  
13 conditions of probation which the court may impose, the court shall impose, when imposing a  
14 period or periods of imprisonment as a condition of special probation, the condition that the  
15 defendant obey the rules and regulations of the Division of Adult Correction and Juvenile Justice  
16 of the Department of Public Safety governing conduct of inmates, and this condition shall apply  
17 to the defendant whether or not the court imposes it as a part of the written order. If imprisonment  
18 is for continuous periods, the confinement may be in either the custody of the Division of Adult  
19 Correction and Juvenile Justice of the Department of Public Safety or a local confinement  
20 facility. Noncontinuous periods of imprisonment under special probation may only be served in  
21 a designated local confinement or treatment facility. If the person being ordered to a period or  
22 periods of imprisonment, either continuous or noncontinuous, is under the age of 18, that person  
23 must be imprisoned in a detention facility approved by the Juvenile Justice Section of the  
24 Division of Adult Correction and Juvenile Justice to provide secure confinement and care for  
25 juveniles or to a holdover facility as defined in G.S. 7B-1501(11).

26 Except for probationary sentences for impaired driving under G.S. 20-138.1, the total of all  
27 periods of confinement imposed as an incident of special probation, but not including an activated  
28 suspended sentence, may not exceed one-fourth the maximum sentence of imprisonment  
29 imposed for the offense. For probationary sentences for impaired driving under G.S. 20-138.1,  
30 the total of all periods of confinement imposed as an incident of special probation, but not  
31 including an activated suspended sentence, shall not exceed one-fourth the maximum penalty  
32 allowed by law. No confinement other than an activated suspended sentence may be required  
33 beyond the period of probation or beyond two years of the time the special probation is imposed,  
34 whichever comes first."

35 **SECTION 8.(j)** G.S. 15A-1351(a) reads as rewritten:

36 "(a) The judge may sentence to special probation a defendant convicted of a criminal  
37 offense other than impaired driving under G.S. 20-138.1, if based on the defendant's prior record  
38 or conviction level as found pursuant to Article 81B of this Chapter, an intermediate punishment  
39 is authorized for the class of offense of which the defendant has been convicted. A defendant  
40 convicted of impaired driving under G.S. 20-138.1 may also be sentenced to special probation.  
41 Under a sentence of special probation, the court may suspend the term of imprisonment and place  
42 the defendant on probation as provided in Article 82, Probation, and in addition require that the  
43 defendant submit to a period or periods of imprisonment in the custody of the Division of Adult  
44 Correction and Juvenile Justice of the Department of Public Safety or a designated local  
45 confinement or treatment facility at whatever time or intervals within the period of probation,  
46 consecutive or nonconsecutive, the court determines, as provided in this subsection. For  
47 probationary sentences for misdemeanors, including impaired driving under G.S. 20-138.1, all  
48 imprisonment under this subsection shall be in a designated local confinement or treatment  
49 facility. If the person being ordered to a period or periods of imprisonment is under the age of  
50 18, that person must be imprisoned in a detention facility approved by the Juvenile Justice Section  
51 of the Division of Adult Correction and Juvenile Justice to provide secure confinement and care

1 for juveniles or to a holdover facility as defined in G.S. 7B-1501(11). In addition to any other  
2 conditions of probation which the court may impose, the court shall impose, when imposing a  
3 period or periods of imprisonment as a condition of special probation, the condition that the  
4 defendant obey the Rules and Regulations of the Division of Adult Correction and Juvenile  
5 Justice of the Department of Public Safety governing conduct of inmates, and this condition shall  
6 apply to the defendant whether or not the court imposes it as a part of the written order. Except  
7 for probationary sentences for misdemeanors, including impaired driving under G.S. 20-138.1,  
8 if imprisonment is for continuous periods, the confinement may be in the custody of either the  
9 Division of Adult Correction and Juvenile Justice of the Department of Public Safety or a local  
10 confinement facility. Noncontinuous periods of imprisonment under special probation may only  
11 be served in a designated local confinement or treatment facility. If the person being ordered  
12 continuous or noncontinuous periods of imprisonment is under the age of 18, that person must  
13 be imprisoned in a detention facility approved by the Juvenile Justice Section of the Division of  
14 Adult Correction and Juvenile Justice to provide secure confinement and care for juveniles or to  
15 a holdover facility as defined in G.S. 7B-1501(11). Except for probationary sentences of  
16 impaired driving under G.S. 20-138.1, the total of all periods of confinement imposed as an  
17 incident of special probation, but not including an activated suspended sentence, may not exceed  
18 one-fourth the maximum sentence of imprisonment imposed for the offense, and no confinement  
19 other than an activated suspended sentence may be required beyond two years of conviction. For  
20 probationary sentences for impaired driving under G.S. 20-138.1, the total of all periods of  
21 confinement imposed as an incident of special probation, but not including an activated  
22 suspended sentence, shall not exceed one-fourth the maximum penalty allowed by law. In  
23 imposing a sentence of special probation, the judge may credit any time spent committed or  
24 confined, as a result of the charge, to either the suspended sentence or to the imprisonment  
25 required for special probation. The original period of probation, including the period of  
26 imprisonment required for special probation, shall be as specified in G.S. 15A-1343.2(d), but  
27 may not exceed a maximum of five years, except as provided by G.S. 15A-1342(a). The court  
28 may revoke, modify, or terminate special probation as otherwise provided for probationary  
29 sentences."

30 **SECTION 8.(k)** G.S. 15A-1352 reads as rewritten:

31 **"§ 15A-1352. Commitment to Division of Adult Correction and Juvenile Justice of the**  
32 **Department of Public Safety or local confinement facility.**

33 (a) Except as provided in subsection (f) of this section, a person sentenced to  
34 imprisonment for a misdemeanor under this Article or for nonpayment of a fine for conviction  
35 of a misdemeanor under Article 84 of this Chapter shall be committed for the term designated by  
36 the court to the Statewide Misdemeanant Confinement Program as provided in G.S. 148-32.1 or,  
37 if the period is for 90 days or less, to a local confinement facility, except as provided for in  
38 G.S. 148-32.1(b).

39 If a person is sentenced to imprisonment for a misdemeanor under this Article or for  
40 nonpayment of a fine under Article 84 of this Chapter, the sentencing judge may make a finding  
41 of fact as to whether the person would be suitable for placement in a county satellite jail/work  
42 release unit operated pursuant to G.S. 153A-230.3. If the sentencing judge makes a finding of  
43 fact that the person would be suitable for placement in a county satellite jail/work release unit  
44 and the person meets the requirements listed in G.S. 153A-230.3(a)(1), then the custodian of the  
45 local confinement facility may transfer the misdemeanant to a county satellite jail/work release  
46 unit.

47 If the person sentenced to imprisonment is under the age of 18, the person must be committed  
48 to a detention facility approved by the Juvenile Justice Section of the Division of Adult  
49 Correction and Juvenile Justice to provide secure confinement and care for juveniles. Personnel  
50 of the Juvenile Justice Section of the Division or personnel approved by the Juvenile Justice  
51 Section shall transport the person to the detention facility.

1 (b) A person sentenced to imprisonment for a felony under this Article or for nonpayment  
2 of a fine for conviction of a felony under Article 84 of this Chapter shall be committed for the  
3 term designated by the court to the custody of the Division of Adult Correction and Juvenile  
4 Justice of the Department of Public Safety.

5 (c) Repealed by Session Laws 2014-100, s. 16C.1(b), effective October 1, 2014. See  
6 Editor's note for applicability.

7 (d) Notwithstanding any other provision of law, when the sentencing court, with the  
8 consent of the person sentenced, orders that a person convicted of a misdemeanor be granted  
9 work release, the court may commit the person to a specific prison facility or local confinement  
10 facility or satellite jail/work release unit within the county of the sentencing court in order to  
11 facilitate the work release arrangement. When appropriate to facilitate the work release  
12 arrangement, the sentencing court may, with the consent of the sheriff or board of commissioners,  
13 commit the person to a specific local confinement facility or satellite jail/work release unit in  
14 another county.

15 (e) Repealed by Session Laws 2014-100, s. 16C.1(b), effective October 1, 2014. See  
16 Editor's note for applicability.

17 (f) A person sentenced to imprisonment of any duration for impaired driving under  
18 G.S. 20-138.1, other than imprisonment required as a condition of special probation under  
19 G.S. 15A-1351(a) or G.S. 15A-1344(e), shall be committed to the Statewide Misdemeanant  
20 Confinement Program established under G.S. 148-32.1.

21 If the person sentenced to imprisonment is under the age of 18, the person must be committed  
22 to a detention facility approved by the Juvenile Justice Section of the Division of Adult  
23 Correction and Juvenile Justice to provide secure confinement and care for juveniles. Personnel  
24 of the Juvenile Justice Section or personnel approved by the Juvenile Justice Section shall  
25 transport the person to the detention facility."

26 **SECTION 8.(l)** G.S. 148-13 reads as rewritten:

27 "**§ 148-13. Regulations as to custody grades, privileges, gain time credit, etc.**

28 (a) The Secretary of Public Safety may issue regulations regarding the grades of custody  
29 in which State prisoners are kept, the privileges and restrictions applicable to each custody grade,  
30 and the amount of cash, clothing, etc., to be awarded to State prisoners after their discharge or  
31 parole. The amount of cash awarded to a prisoner upon discharge or parole after being  
32 incarcerated for two years or longer shall be at least forty-five dollars (\$45.00).

33 (a1) The Secretary of Public Safety shall adopt rules to specify the rates at, and  
34 circumstances under, which earned time authorized by G.S. 15A-1340.13(d) and  
35 G.S. 15A-1340.20(d) may be earned or forfeited by persons serving activated sentences of  
36 imprisonment for felony or misdemeanor convictions. Such rules shall include any person  
37 serving an activated sentence of imprisonment who is confined in a detention facility approved  
38 by the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice.

39 (b) With respect to prisoners who are serving sentences for impaired driving offenses  
40 under G.S. 20-138.1, the Secretary of Public Safety may, in his discretion, issue regulations  
41 regarding deductions of time from the terms of such prisoners for good behavior, meritorious  
42 conduct, work or study, participation in rehabilitation programs, and the like.

43 (c), (d) Repealed by Session Laws 1993, c. 538, s. 32, effective January 1, 1995.

44 (e) The Secretary's regulations concerning earned time and good time credits authorized  
45 by this section shall be distributed to and followed by local jail administrators and by personnel  
46 of the Juvenile Justice Section or personnel approved by the Juvenile Justice Section with regard  
47 to sentenced jail ~~prisoners-prisoners~~ and juveniles housed in a detention facility approved by the  
48 Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice.

49 (f) The provisions of this section do not apply to persons sentenced to a term of special  
50 probation under G.S. 15A-1344(e) or G.S. 15A-1351(a)."

51 **SECTION 8.(m)** G.S. 148-32.1(e) reads as rewritten:

1       "(e) Upon entry of a prisoner serving a sentence of imprisonment for impaired driving  
2 under G.S. 20-138.1 into a local confinement facility or to a detention facility approved by the  
3 Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice pursuant to this  
4 section, the custodian of the local confinement facility or detention facility shall forward to the  
5 Post-Release Supervision and Parole Commission information pertaining to the prisoner so as to  
6 make him eligible for parole consideration pursuant to G.S. 15A-1371. Such information shall  
7 include date of incarceration, jail credit, and such other information as may be required by the  
8 Post-Release Supervision and Parole Commission. The Post-Release Supervision and Parole  
9 Commission shall approve a form upon which the custodian shall furnish this information, which  
10 form will be provided to the custodian by the Division of Adult Correction and Juvenile Justice."

11           **SECTION 8.(n)** G.S. 153A-218 reads as rewritten:

12       "**§ 153A-218. County confinement facilities.**

13       A county may establish, acquire, erect, repair, maintain, and operate local confinement  
14 facilities and may for these purposes appropriate funds not otherwise limited as to use by law.  
15 Subject to the holdover provisions in G.S. 7B-2204, no person under the age of 18 may be held  
16 in a county confinement facility unless there is an agreement between the county confinement  
17 facility and the Division of Adult Correction and Juvenile Justice allowing the housing of persons  
18 under the age of 18 at the facility or a portion of the facility that has been approved as a juvenile  
19 detention facility by the Juvenile Justice Section. A juvenile detention facility may be located in  
20 the same facility as a county jail provided that the juvenile detention facility meets the  
21 requirements of this Article and G.S. 147-33.40."

22           **SECTION 8.(o)** G.S. 162-60(b) reads as rewritten:

23       "(b) A prisoner who is convicted of a misdemeanor offense and housed in a local  
24 confinement facility ~~and~~ or a person under the age of 18 convicted of a misdemeanor offense and  
25 housed in a detention facility approved by the Juvenile Justice Section of the Division of Adult  
26 Correction and Juvenile Justice who faithfully participates in an adult high school equivalency  
27 diploma program or in any other education, rehabilitation, or training program is entitled to a  
28 reduction in the prisoner's sentence of four days for each 30 days of classes attended, up to the  
29 maximum credit allowed under G.S. 15A-1340.20(d)."

30           **SECTION 8.(p)** This section becomes effective July 1, 2020, and applies to offenses  
31 committed, sentences imposed, and any other orders of imprisonment issued on or after that date.

### 32 33 **PART III. STATEWIDE MISDEMEANOR CONFINEMENT PROGRAM TRANSFERS** 34 **FOR MEDICAL TREATMENT**

35           **SECTION 9.(a)** G.S. 148-19.3 reads as rewritten:

36       "**§ 148-19.3. Health care services to county prisoners.**

37       (a) All charges that are the responsibility of the transferring county for health care  
38 services provided to prisoners held under a safekeeping order pursuant to ~~G.S. 162-39~~  
39 G.S. 162-39, or the Statewide Misdemeanor Confinement Program pursuant to G.S. 148-32.1,  
40 shall not be paid by the Department and shall be submitted by the health care provider to the  
41 Inmate Medical Costs Management Plan through the North Carolina Sheriffs' Association for the  
42 Plan to review and negotiate all charges for health care services to avoid overpayment and reduce  
43 overall health care service costs. The Department shall notify the health care provider when  
44 services are being provided to the prisoner that the invoice for health care services shall be  
45 submitted by the provider directly to the Plan. In the event an invoice is sent to the Department  
46 by a health care provider for health care services provided to a safekeeper under this ~~section,~~  
47 section or G.S. 148-32.1, the Department shall forward the invoice to the Plan within three days  
48 of receipt. All unreimbursed charges for health care services provided shall be documented and  
49 presented to the county for payment in accordance with ~~G.S. 162-39, G.S. 162-39 or the~~  
50 Statewide Misdemeanor Confinement Program in accordance with G.S. 148-32.1. Upon  
51 expiration of the terms of the order and a determination that the prisoner may be safely returned

1 to the custody of the county, the Department shall notify the sheriff, or the sheriff's designee, by  
2 telephone and electronic mail and request the transfer of the prisoner to the custody of the county.

3 (b) The Department shall update the medical services schedule of charges assessed to  
4 counties for the provision of health care services to county prisoners housed in the State prison  
5 system pursuant to safekeeping orders under ~~G.S. 162-39.~~ G.S. 162-39 or the Statewide  
6 Misdemeanor Confinement Program under G.S. 148-32.1. In updating the schedule of charges,  
7 at a minimum, the Department shall consider the actual rate for services provided and current  
8 established Medicaid rates for respective services. The schedule of charges shall be updated  
9 annually and shall be included in the Department's policies and procedures. The Department shall  
10 assess charges to counties for health care services provided to county prisoners at all State prison  
11 facilities."

12 **SECTION 9.(b)** G.S. 148-32.1(b3) reads as rewritten:

13 "(b3) The custodian of a local confinement facility may request a judicial order to transfer  
14 a misdemeanant housed pursuant to the Statewide Misdemeanor Confinement Program to a  
15 facility operated by the Division of Adult Correction and Juvenile Justice by certifying in writing  
16 to the clerk of the superior court in the county in which the local confinement facility is located  
17 ~~that~~ that one of the following conditions is met:

- 18 (1) The misdemeanant poses a security risk because the misdemeanant:  
19 a. Poses a serious escape ~~risk;~~ risk.  
20 b. Exhibits violently aggressive behavior that cannot be contained and  
21 warrants a higher level of ~~supervision;~~ supervision.  
22 c. Needs to be protected from other inmates, and the county jail facility  
23 cannot provide such ~~protection;~~ protection.  
24 d. Is a female or a person 18 years of age or younger, and the county jail  
25 facility does not have adequate housing for such ~~prisoners;~~ prisoners.  
26 e. Is in custody at a time when a fire or other catastrophic event has  
27 caused the county jail facility to cease or curtail ~~operations;~~  
28 ~~operations.~~  
29 f. Otherwise poses an imminent danger to the staff of the county jail  
30 facility or to other prisoners in the facility.
- 31 (2) The misdemeanant requires medical or mental health treatment that the county  
32 decides can best be provided by the Division of Adult Correction and Juvenile  
33 Justice.
- 34 (3) The local confinement facility that would be required to house the prisoner (i)  
35 cannot reasonably accommodate any more prisoners due to segregation  
36 requirements for particular prisoners, or the local facility does not meet the  
37 minimum standards published pursuant to G.S. 153A-221, and (ii) no other  
38 local confinement facility is available.

39 Upon receiving such request and certification in writing, any superior or district court judge  
40 for the district in which the local confinement facility is located may, after ascertaining that the  
41 request meets the criteria set forth in subdivision (1), (2), or (3) of this subsection, order the  
42 misdemeanant transferred to a unit of the State prison system designated by the Secretary of  
43 Public Safety or the Secretary's authorized representative. Individuals meeting the condition set  
44 forth in subdivision (2) of this subsection may be ordered to be transferred for an initial period  
45 not to exceed 30 days. The sheriff of the county from which the prisoner is removed shall be  
46 responsible for conveying the prisoner to the prison unit where the prisoner is to be held and for  
47 returning the prisoner to the jail of the county from which the prisoner was transferred. The  
48 officer in charge of the prison unit designated by the Secretary of Public Safety shall receive  
49 custody of the prisoner in accordance with the terms of the order. Prior to the conclusion of the  
50 30-day period, the Division of Adult Correction and Juvenile Justice shall conduct an assessment  
51 of treatment and venue needs. The assessment shall be conducted by the attending medical or

1 mental health professional and shall assess the medical and mental health needs of the prisoner  
2 and make a recommendation on whether the prisoner should remain in the custody of the Division  
3 of Adult Correction and Juvenile Justice of the Department of Public Safety or if the prisoner  
4 should be returned to the custody of the county. To extend the order beyond the initial 30-day  
5 period, the sheriff shall provide the Division of Adult Correction and Juvenile Justice assessment  
6 and any other relevant information to the resident judge or the superior court or any judge holding  
7 superior court in the district or any district court judge who shall determine whether to extend  
8 the transfer of the prisoner to a unit of the State prison system beyond the initial 30-day period.  
9 If the judge determines that the prisoner should remain in the custody of the Division of Adult  
10 Correction and Juvenile Justice, the judge shall renew the order and include a date certain for  
11 review by the court. Prior to the date of review, the Division shall conduct a reassessment of  
12 treatment and venue needs and the sheriff shall provide the reassessment and any other relevant  
13 information to the court, as described in this subsection. If the judge determines that the prisoner  
14 should not remain in the custody of the Division of Adult Correction and Juvenile Justice, the  
15 officer in charge of the prison unit designated by the Secretary of Public Safety shall release  
16 custody of the prisoner in accordance with the court order and the instructions of the attending  
17 medical or mental health professional. The Division of Adult Correction and Juvenile Justice  
18 shall be reimbursed from the Statewide Misdemeanant Confinement Fund for the costs of  
19 housing the misdemeanant, including the care, supervision, and transportation of the  
20 misdemeanant."

21           **SECTION 9.(c)** This section becomes effective July 1, 2020, and applies to all  
22 prisoners transferred on or after that date.

23  
24 **PART IV. INCREASING CRIMINAL COURT APPOINTED COUNSEL FEE AND**  
25 **COURT COSTS FOR SUPPORT OF INDIGENT DEFENSE SERVICES AND**  
26 **CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION**

27  
28 **INCREASING APPOINTED COUNSEL FEE AND COURT COSTS**

29           **SECTION 10.1.(a)** G.S. 7A-455.1 reads as rewritten:  
30 **"§ 7A-455.1. Appointment fee in criminal cases.**

31           (a) In every criminal case in which counsel is appointed at the trial level, the judge shall  
32 order the defendant to pay to the clerk of court an appointment fee of ~~sixty dollars (\$60.00)-~~  
33 seventy-five dollars (\$75.00). No fee shall be due unless the person is convicted.

34           (b) The mandatory ~~sixty dollar (\$60.00)-seventy-five dollar (\$75.00)~~ fee may not be  
35 remitted or revoked by the court and shall be added to any amounts the court determines to be  
36 owed for the value of legal services rendered to the defendant and shall be collected in the same  
37 manner as attorneys' fees are collected for such representation.

38           (c) Repealed by Session Laws 2005-250 s. 3, effective August 4, 2005.

39           (d) Inability, failure, or refusal to pay the appointment fee shall not be grounds for  
40 denying appointment of counsel, for withdrawal of counsel, or for contempt.

41           (e) The appointment fee required by this section shall be assessed only once for each  
42 attorney appointment, regardless of the number of cases to which the attorney was assigned. An  
43 additional appointment fee shall not be assessed if the charges for which an attorney was  
44 appointed were reassigned to a different attorney.

45           (f) Of each appointment fee collected under this section, the sum of ~~fifty-five dollars~~  
46 (~~\$55.00~~-seventy dollars (\$70.00)) shall be credited to the Indigent Persons' Attorney Fee Fund  
47 and the sum of five dollars (\$5.00) shall be credited to the Court Information Technology Fund  
48 under G.S. 7A-343.2. These fees shall not revert.

49           (g) The Office of Indigent Defense Services shall adopt rules and develop forms to  
50 govern implementation of this section."

51           **SECTION 10.1.(b)** G.S. 7A-304(a) reads as rewritten:

1       "(a) In every criminal case in the superior or district court, wherein the defendant is  
2 convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the  
3 prosecuting witness, the following costs shall be assessed and collected. No costs may be  
4 assessed when a case is dismissed. Only upon entry of a written order, supported by findings of  
5 fact and conclusions of law, determining that there is just cause, the court may (i) waive costs  
6 assessed under this section or (ii) waive or reduce costs assessed under subdivision (7), (8), (8a),  
7 (11), (12), or (13) of this section. No court may waive or remit all or part of any court fines or  
8 costs without providing notice and opportunity to be heard by all government entities directly  
9 affected. The court shall provide notice to the government entities directly affected of (i) the date  
10 and time of the hearing and (ii) the right to be heard and make an objection to the remission or  
11 waiver of all or part of the order of court costs at least 15 days prior to hearing. Notice shall be  
12 made to the government entities affected by first-class mail to the address provided for receipt of  
13 court costs paid pursuant to the order. The costs referenced in this subsection are listed below:

14       ...

15       (3b) For the services, staffing, and operations of the Criminal Justice Education  
16 and Training Standards Commission, the sum of ~~two~~ three dollars (~~\$2.00~~)  
17 (\$3.00) to be remitted to the Department of Justice.

18       (3c) For legal representation to indigent defendants and others entitled to counsel  
19 under North Carolina law, the sum of two dollars (\$2.00) to be remitted to the  
20 Office of Indigent Defense Services.

21       ...."

22       **SECTION 10.1.(c)** The Office of Indigent Defense Services and the Administrative  
23 Office of the Courts shall update all appointed counsel fee application forms in order to provide  
24 space for the itemization of time spent on appointed cases.

25       **SECTION 10.1.(d)** The Office of Indigent Defense Services shall report to the chairs  
26 of the Joint Legislative Oversight Committee on Justice and Public Safety by March 1, 2021,  
27 regarding the implementation of rate increases to the Private Assigned Counsel Fund and  
28 modifications to appointed counsel fee application forms.

29       **SECTION 10.1.(e)** Receipts collected as a result of the court cost increase in  
30 subsection (a) of this section related to the Criminal Justice Education and Training Standards  
31 Commission are appropriated to the Criminal Justice Education and Training Standards  
32 Commission in the 2020-2021 fiscal year and requirements are increased accordingly.

33       **SECTION 10.1.(f)** Receipts collected as a result of the court cost increase in  
34 subsection (a) of this section related to Indigent Defense Services are appropriated to Indigent  
35 Defense Services in the 2020-2021 fiscal year and requirements are increased accordingly.

36       **SECTION 10.1.(g)** Subsections (a) and (b) of this section become effective  
37 December 1, 2020, and apply to costs assessed on or after that date. Subsection (c) of this section  
38 becomes effective December 1, 2020, and applies to all appointed counsel fee application forms  
39 submitted on or after that date. The remainder of this section is effective when it becomes law.

## 40       **PART V. RADIOLOGICAL EMERGENCY PLANNING**

### 41       **FEE DEADLINE AND FEE MINIMUM MODIFICATIONS**

42       **SECTION 11.1.(a)** G.S. 166A-29 reads as rewritten:

43       "**§ 166A-29. Emergency planning; charge.**

44       (a) Every person, firm, corporation or municipality who is licensed to construct or who  
45 is operating a fixed nuclear facility for the production of electricity shall pay to the Department  
46 of Public Safety an annual fee of at least thirty thousand dollars (\$30,000) for each fixed nuclear  
47 facility which is located within this State or has a Plume Exposure Pathway Emergency Planning  
48 Zone of which any part is located within this State. This fee is to be applied to the costs of  
49 planning and implementing emergency response activities as are required by the Federal  
50  
51



1 Emergency Management Agency for the operation of nuclear facilities. Said fee is to be paid ~~no~~  
2 ~~later than July 31 of each year, on a schedule set by the Department of Public Safety.~~ This  
3 minimum fee may be increased from time to time as the costs of such planning and  
4 implementation increase. Such increases shall be by agreement between the State and the  
5 licensees or operators of the fixed nuclear facilities.

6 (b) Every person, firm, corporation or municipality who is licensed to construct or who  
7 is operating a fixed nuclear facility for the production of electricity shall pay to the Department  
8 of Public Safety, for the use of the Radiation Protection Section of the Division of ~~Public Health~~  
9 Health Service Regulation of the Department of Health and Human Services, an annual fee of at  
10 least thirty-six thousand dollars (\$36,000)–(\$36,000), not to exceed the cost of the service  
11 provided, for each fixed nuclear facility that is located within this State or that has a Plume  
12 Exposure Pathway Emergency Planning Zone any part of which is located within this State. This  
13 fee shall be applied only to the costs of planning and implementing emergency response activities  
14 as required by the Federal Emergency Management Agency for the operation of nuclear facilities.  
15 This fee is to be paid ~~no later than July 31 of each year, on a schedule set by the Department of~~  
16 Public Safety.

17 ...."

18 **SECTION 11.1.(b)** This section becomes effective July 1, 2020, and applies to fees  
19 assessed on or after that date.

## 20 **PART VI. GENERAL EFFECTIVE DATE**

### 21 **EFFECTIVE DATE**

22 **SECTION 12.1.** Except as otherwise provided, this act is effective when it becomes  
23 law.  
24  
25